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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TROY ANDERSON,

Plaintiff,

No. CIV S-09-2539 GGH P

vs.

PEOPLE OF THE STATE
OF CALIFORNIA, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with this civil rights action seeking relief pursuant to 42 U.S.C. § 1983. Presently pending is plaintiff's motion for a default judgment. Doc. 36. Plaintiff argues that defendants served the answer late. While defendants may have served the answer a couple of days late, the court notes that defendants filed a motion for clarification on June 12, 2010, as it appears that defendants were served with the incorrect complaint. Therefore, even if the answer was one to two days late, there was good cause for any delay. Plaintiff's motion is denied.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for default judgment (Doc. 36) is denied.

DATED: September 29, 2010

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

GGH: AB
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